

**COMBINED DECLARATION AND POWER OF ATTORNEY
FOR PATENT APPLICATION**

Attorney Docket No.
PAT112

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name. I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled

INTELLIGENT SELECTION SYSTEM FOR ELECTROSURGICAL INSTRUMENT

the specification of which is attached hereto unless the following box is checked:

_____ was filed on _____ as United States Application
Number or PCT International Application Number _____
and was amended on _____ (if applicable).

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information which is material to patentability as defined in Title 37, Code of Federal Regulations, §1.56.

I hereby claim foreign priority benefits under Title 35, United States Code, §119 of any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on which priority is claimed.

PRIOR FOREIGN APPLICATION (S)				
Number	Country	Date Filed (Day/Month/Year)	Priority Claimed	
			Yes	No
			Yes	No
			Yes	No

I hereby claim the benefit under Title 35, United States Code, §120 of any United States application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code, §112, I acknowledge the duty to disclose information which is material to patentability as defined in Title 37, Code of Federal Regulations, §1.56 which became available between the filing date of the prior application and the national or PCT International filing date of this application.

Application No.	Filing Date (Day/Month/Year)	Status Patented, Pending, Abandoned

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

I hereby appoint the following attorney(s) and/or agent(s) to prosecute this application and to transact all business in the Patent and Trademark Office connected therewith:


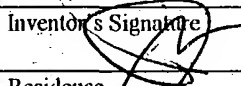
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Inventor's Signature 	Date 9/5/01
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Inventor's Signature	Date
Residence	
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Full Name of Fourth Joint Inventor, If Any	Citizenship
Inventor's Signature	Date
Residence	
Post Office Address	

Additional inventor(s) named on additional numbered sheet(s).

VERIFIED STATEMENT CLAIMING SMALL ENTITY STATUS

Docket No. PAT112

37 CFR 1.9(f) & 1.27(b)--INDEPENDENT INVENTOR

Applicant or Patentee: Alan G. Ellman et al

Serial or Patent No.:

Filed or Issued: Concurrently

Title: INTELLIGENT SELECTION SYSTEM FOR ELECTROSURGICAL INSTRUMENT

As a below named inventor, I hereby declare that I qualify as an independent inventor as defined in 37 CFR 1.9 © for purposes of paying reduced fees to the Patent and Trademark Office regarding the invention described in:

- ☒ the specification filed herewith with title as listed above.
☐ the application identified above.
☐ the patent identified above.

I have not assigned, granted, conveyed, or licensed and am under no obligation under contract or law to assign, grant, convey or license, any rights in the invention to any person who would not qualify as an independent inventor under 37 CFR 1.9© if that person had made the invention, or to any concern which would not qualify as a small business concern under 37 CFR 1.9(d) or a nonprofit organization under 37 CFR 1.9(e).

Each person, concern or organization to which I have assigned, granted, conveyed, or licensed or am under an obligation under contract or law to assign, grant, convey or license any rights in the invention is listed below:

- ☒ no such person, concern, or organization exists.
☐ each such person, concern, or organization is listed below.

Separate verified statements are required from each named person, concern or organization having rights to the invention averring to their status as small entities. (37 CFR 1.27)

I acknowledge the duty to file, in this application or patent, notification of any change in status resulting in loss of entitlement to small entity status prior to paying, or at the time of paying, the earliest of the issue fee or any maintenance fee due after the date on which status as a small entity is no longer appropriate. (37 CFR 1.28(b))

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application, any patent issuing thereon, or any patent to which this verified statement is directed.

Alan G. Ellman
NAME OF INVENTOR

Jon C. Garito
NAME OF INVENTOR

Signature of Inventor

Signature of Inventor

Date

Date

9/5/01

9/5/01